



# **South Coast Air Quality Management District**

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## **ENVIRONMENTAL JUSTICE ADVISORY GROUP FRIDAY, OCTOBER 30, 2009 MEETING MINUTES**

### **MEMBERS PRESENT:**

Dr. Joseph Lyou, AQMD Governing Board Member, EJAG Chairman  
Rhetta Alexander, San Fernando Valley Interfaith Council  
Detrich Allen, City of Los Angeles Environmental Affairs  
Lawrence Beeson, Loma Linda University, School of Public Health  
Paul Choe, Korean Drycleaners & Laundry Association  
Afif El-Hasan, American Lung Association  
Alycia Enciso, Small Business Owner  
Mimi Holt, SEIU Local 121 Registered Nurses  
Maria Elena Kennedy, Southern California Water Coalition  
Evelyn Knight, Long Beach Economic Development Commission  
Angelo Logan, East Yard Communities for E.J.  
Margaret Mapes, St. Joseph Center  
Jacqueline Martinez, PUMA  
Daniel Morales, National Alliance for Human Rights  
William Nelson, OC Signature Properties

### **MEMBERS ABSENT:**

Suzanne Bilodeau, Knott's Berry Farm  
Mary Figueroa, Riverside Community College  
Brenda LaMothe, S. Los Angeles Service Representative for L.A. Mayor  
Paul Ong, UCLA School of Public Affairs  
Salvador Ramirez, National Hispanic Environmental Council  
Fred Rodriguez, Veterans in Community Services, Inc.  
Woodie Rucker-Hughes, NAACP – Riverside Branch

### **OTHERS PRESENT:**

Kris Flaig, City of Los Angeles/SCAP  
Sue Gornich, BP  
Nicole Nishimura, Board Member Assistant (*Lyou*)  
Edward Phillips, BNSF Railway

### **AQMD STAFF:**

Anupom Ganguli, Ph.D., Assistant Deputy Executive Officer/Public Advisor  
Sam Atwood, Media Office Manager  
Alan Caldwell, Community Relations Manager  
Elaine Chang, Dr. P.H., Deputy Executive Officer  
Deanna Doerre, Office Assistant  
Cheryl Marshall, Program Supervisor

Nicole Mendoza, Secretary  
John Olvera, Principal Deputy District Counsel  
Jean Ospital, Dr. P.H., Health Effects Officer  
Rocio Santacruz, Sr. Public Information Specialist  
Jeanette Short, Sr. Administrative Secretary  
Patti Whiting, Staff Specialist

**Agenda Item #1 - Call to Order/Opening Remarks**

Chair Dr. Joseph Lyou called the meeting to order at 12:05 p.m.

**Agenda Item #2 – Approval of July 31, 2009 Meeting Minutes**

Chair Lyou asked if there were any objections to the July 31, 2009 meeting minutes. Dr. Afif El-Hasan requested that Kaiser Permanente be removed as his affiliation and replaced with American Lung Association. Chair Lyou confirmed this and upon hearing no further objections, the minutes were approved.

**Agenda Item #3 (Formerly Agenda Item #4) – Status Update on Air Toxics and Clean Communities Plan**

Chair Lyou indicated a change in the Agenda. Item #3 and #4 were being switched and that Dr. Elaine Chang would be providing the status update on the Air Toxics and Clean Communities Plan in place of Susan Nakamura. Dr. Chang requested that the full update be postponed to the next meeting in January 2010.

***Action Item:** Agendize the Clean Communities Plan for further discussion at the next meeting.*

Ms. Detrich Allen requested clarification of the goal of the Clean Communities Plan. Dr. Chang responded that it would be to outline strategies and approaches, including regulations and pilot programs to address air quality issues in the basin. Chair Lyou asked if rulemaking would include an amendment to the nuisance rule. Dr. Chang agreed, if it was found to be the most effective way to address the issue.

Ms. Evelyn Knight asked if there is a standard planning policy. Dr. Chang indicated that there are standards, and policies are usually approved by the Board for direction to staff.

Mr. Angelo Logan said the Clean Communities Plan will be critical to EJAG and asked if there is a timeline for the plan, if there will be opportunities for engagement in developing the plan, and if the workgroup has met over the course of the year. Dr. Chang indicated the workgroup has not met and that once the plan is drafted, staff plans on meeting with the workgroup, prior to soliciting comments from the general public.

***Action Item:** Notify members when the next workgroup meeting is scheduled and when the draft plan is released.*

Mr. Logan asked if there is a target date to complete the draft. Dr. Chang responded that staff would like to have it ready by next quarter.

**Agenda Item #4 (Formerly Agenda Item #3) – Overview of Roadway Effects**

Dr. Jean Ospital provided an overview of the Roadway Effects of fine particulates.

Dr. Afif El-Hasan asked how much more traffic there will be with the proposed site of the Intermodal Container Transport Facility (ICTF). Mr. Logan responded that the project would have approximately 1.3 million lifts a year which is equivalent to around two million truck trips. Dr. El-Hasan asked how those numbers compare to what is seen now. Mr. Logan stated that there are about 500 truck trips per day which adds up to close to two million trips a year.

Dr. El-Hasan asked what the definition of a busy roadway is. Dr. Ospital did not have a specific definition but indicated that Caltrans has a numerical grading of roadways based on traffic volume for which they take the highest three ratings.

***Action Item:*** *Provide the definition of a busy roadway.*

Mr. Daniel Morales asked if the figure of 12.8% of children with asthma refers to the percentage of children already with asthma. Dr. Ospital affirmed this. Mr. Morales asked if proximity to the freeway exacerbates it. Dr. Ospital indicated there are studies that show children and/or adults have more acute symptoms when they live near freeways.

Chair Lyou asked if there is more recent monitoring data to compare for the ports since there has been progress in replacing the older diesel trucks. Dr. Ospital said they are collecting data right now and have preliminary results.

Ms. Mimi Holt asked about the potential cancer risks from the I-710 modeling results. Dr. Ospital replied that it is for diesel exhaust which is predominantly related to the risk for lung cancer.

Chair Lyou asked if tail pipe standards and alternative fuel vehicles are potential mitigation measures. Dr. Ospital confirmed this.

Dr. El-Hasan asked for a comparison of the load capacity for electrical and diesel trains. Dr. Ospital indicated that the capacity should be the same.

Chair Lyou asked if the indoor filter that drops directly into the unit was the least expensive. Dr. Ospital indicated it was. Mr. Logan asked if they had to upgrade the unit to force air through the filter. Dr. Ospital answered the filter designs such that they do not require additional pressure.

Dr. El-Hasan asked what size particles the filters are capable of filtering and if carbon was found. Dr. Ospital responded carbon was not found in the filters, that the filters were effective for ultrafine particles, which would include particulate carbon.

Chair Lyou asked if the sound walls in the EPA study were the typical 10 – 15 ft. walls and Dr. Ospital responded they were 8 – 15 ft. in height. Mr. Logan asked what distance from the sound wall makes the biggest difference. Dr. Ospital replied that the biggest difference is at the point closest to the wall.

Ms. Alycia Enciso inquired about a study in San Jose where trees were recommended to be planted by the freeways. Dr. Ospital indicated he was unaware of that specific study.

Ms. Enciso said when discussing measures of mitigation, freeway walls should be recommended and asked if the information is communicated to local governments. Dr. Ospital said the sound walls are for reducing noise, not for air pollution, and Caltrans has jurisdiction over building the walls. Chair Lyou added that when there is a proposal for a freeway, the community has the opportunity to request the

addition of a sound wall, but under our environmental laws there is a requirement that the mitigation measure be feasible, and the cost of sound walls may make it difficult to be considered as a pollution mitigation measure.

Mr. Logan asked about new regulations related to ‘near sources’, relative to projects that are undergoing review and how they relate to ultra-fine particulates and PM2.5. Mr. Logan referred to the platforms near the I-710 and asked how the downturn in the economy was reflected in the data. Dr. Ospital replied that in terms of the impact of the economy, they do not have data to compare.

Dr. El-Hasan asked why freeways are not considered a stationary entity. Mr. John Olvera said that stationary sources are operated by an entity, person, or company responsible. Mr. Olvera pointed out that roadways and freeways are publicly owned and there is no requirement in the State of California to get a permit for roadways or freeways.

Ms. Mapes asked if Caltrans has a mandate to build sound walls. Dr. Ospital replied in the affirmative and added that they have a priority grading system for such walls.

Ms. Allen said the data shows the results of the near roadway effect and wanted to know how to address the issues. Dr. Ganguli recommended making suggestions in the context of the draft Clean Communities Plan.

Dr. El-Hasan asked if something can be put together to show elected boards how much it will cost the county in health expenses for putting a school so close to a freeway. Dr. Ospital confirmed there have been attempts and there currently is a program funded from a settlement with a refinery to perform health related research to look more closely at the local areas near roadways. Mr. Logan asked for guidance from the district on how to include health costs and benefits when analyzing the feasibility on localized projects that go through environmental review. Ms. Enciso asked if local governments have access to research and air quality information. Chair Lyou said there is a health and safety component in every EIR. Ms. Allen briefly discussed EIR’s and said it is important for the people who review CEQA documents to be informed and to make good recommendations. Ms. Enciso asked for a copy of the CEQA guidelines. Dr. Ospital said that she should refer to the Land Use Guidance Documents from AQMD and CARB.

**Action Item:** *Distribute links to AQMD’s and CARB’s Land Use Guidance Document*

Mr. Logan suggested having a presentation on AQMD’s role and authority in land use decisions so they have a better understanding of AQMD’s limitations and authority. Chair Lyou said that would be a good idea and it will be placed on the Agenda for the next meeting

**Action Item:** *Agendize a presentation on AQMD’s role and authority in land use decisions.*

Mr. Angelo Logan said Environmental Justice issues have to deal with how our government works and the idea of local control and balancing it with Civil Rights is a big issue that we have been dealing with for a very long time. Mr. Logan said it is clear to him that Environmental Justice has a direct nexus with Civil Rights, which has had a history of issues with local control. He said there should be bodies that have authority to oversee issues related to discrimination or the unjust treatment of groups of people. The local jurisdiction may have local control, but may not be looking out for such groups of people. He recommended a larger role for the District to play in such Environmental Justice issues in the South

Coast region and concluded by saying that local jurisdictional control is good, but at the same time if there is a clear disparity then there should be a role for a larger authority to play.

**Agenda Item #5 – Discussion of Priorities From Past AQMD EJ Work Plans**

Chair Lyou discussed how EJAG should come up with environmental justice work plan items in the future for the Governing Board to consider. Mr. Logan asked if it would be best for the members to draft their initial thoughts and have staff distribute these to the members. Chair Lyou agreed that would be a good process. Dr. Ganguli informed the members that at the next meeting they need to discuss the 2010 Goals and Objectives for the EJAG and asked members to bring their ideas to the next meeting.

**Agenda Item #6 – Other Recommendations**

Mr. Logan asked for a discussion on cumulative impacts through the Clean Communities Plan, regarding pollutants that are not regulated or under-regulated, and the districts process for introducing legislation. Chair Lyou described the process of how legislation is introduced by AQMD through Board Committees and the Board.

Ms. Allen mentioned that the Clean Communities Plan will need a lot of discussion and wanted to allocate enough time for an in-depth discussion. Chair Lyou and Dr. Ganguli agreed to move the local government presentation to the April meeting to allow enough time for the Clean Communities Plan presentation and Dr. Paul Ong's presentation on his research.

**Agenda Item #7 – Public Comment**

Mr. Edward Phillips provided public comments and discussed the planning aspects of local governments and how they have the authority but not the responsibility. He presented a graph he put together using data from the CARB showing the different mobile sources and emissions.

Mr. Kris Flaig said he was looking at the old Air Toxics Control Plan online and the link would only display a blank page. Dr. Ganguli asked Mr. Alan Caldwell to send him the link and Chair Lyou asked staff to rectify the web link.

*Action Item: Send Mr. Flaig the link to the Air Toxics Control Plan and correct the web link.*

**Agenda Item #8 - Adjournment**

The meeting adjourned at 3:06 p.m.